Kentucky, still remains in Philadelphia. He is slowly | prizes for peetry in the Academy of Athens. The | affair was managed so quietly that it was not until the progressing toward a complete restoration to health | prize was given to the relatives of a deceased poet | prisoners were hand-cuffed and placed in a wagon in and strength. Mr. Boyd recently suffered a temporary relapse, but all his symptoms now are of the most encouraging character.

-The well-known actress, Mrs. John Wood, arrived from California on Saturday in the Star of the West.

-The Paris (Ky.) Citizen of the 5th learns that, on Tuesday last, Mr. Henry T. Duncan and General Leelie Combs had a rough-and-tumble fight in the banking room of the Northern Bank in Lexington. Duncan rather got the start at first, but the youth and vigor of the General stood by him, and he quickly rallied and commenced punishing his adversary, when bystanders rushed in and separated the combatants. These young men ought to set better example. Gen. Combs is only about seventy-two or three, and Dancan over sixty.

-The Hon, Joseph H. Mather, a prominent member of the Bar of Elkhart Co., Indiana, died a few days since at Goshen, in that State. He was a member of the last Constitutional Convention of Indiana, being elected from a district at that time largely opposed to him is politics. He also served a term as Judge of the Common Pleas,

- The Fort Smith (Ark.) Times announces the death of Billy Bowlegs, at the house of John Jamper, on Friday, March 11. There were great lamentations and loud wailing among the people, the Seminoles. The late enigrants had not arrived in the country at the time of Bowlegs's ceath.

-A young couple belonging to Minneapolis were married at the Falls of Minnehaba in the open air on the 2d inst.

-Mr. Van Anden, a well-known organist of Charleston, S. C., committed suicide on Sunday last, by taking arsenic. The Charleston Mercury says: "He had been visited within the past month by a gentle-man from abroad, who accused Van Anden of having run away with his wife. Van Anden had been arrested, and, in default of \$10,000 bail, committed to prison, which oppressed him heavily."

-We are informed, says The Housetonic Republican, that Mr. Wheeler Green of Ashley Falls, Muss., who has attained the mature age of over 100 years, was recently married to a Mrs. Schemmerhorn of Nor folk, who has also arrived at the respectable age of 80 years.

-The Troy Times of Monday says that a man pamed West, who resided in the neighborhood of the Niskayuna Shakers, having been discovered in maintaining an illicit love with another woman than his wife, committed suicide yesterday by stabbing him-self with a "jack-knife." He accomplished his "taking-off" in a very skillful manner, and before the physician arrived he was a corpse.

-Miss Maria McManus, daughter of the Chaplain in the United States Army at Fort Arbuckle, was receatly burned to death by her clothes taking fire.

-Mr. Charles B. King, a native of Newport, but for many years residing in Washington, has made bare his studio to enrich the walls of the new building of the Redwood Libary of Newport. Mr. King's benefaction includes nearly a hundred pieces.

-The Summer migration to Newport commenced last week. R. Van Limburg, the Minister from the Netherlands, has taken a residence on Mann avenue for the season. F. L. Barreda, Peruvian Minister, has taken a residence on Kny street.

- Some ten months ago the well-known Ismail Pasha, of Kalafat, commissioner the other day to Jiddah, and now commander-in-chief of the army of the Danube, fell in love with the sister of a German officer, who holds the rank of talimii or instructor, in the Turkish army. Ismail was rich and ardent but the Teutonic beauty was deaf to everything but marriage, and marriage on her own terms, which were, that in case of the now devoted but possibly changeable lover's divorcing her, she should be guaranteed an indemnity of 300,000p., (about £2.000,) and that the children, if any, should, if boys, be brought up as Mussulmans, but if girls as good Catholics. Hercules of Kalafat, more eager than orthodox, closed the bargain on these conditions and the Austrian Dejanira became first lady of hi harem. The other day a child was born, and being a daughter, it was, to the great scandal of all good believers, but to the credit of I-mail's honorable regard for his engagement, baptized by a Catholic priest.

Comparatively trifling as this incident now is, it has no unimportant significance. It is a veritable " sign of the times," which may, it is true, be read either as a proof of the growing liberality or the growing infidelity of the Turkish mind in matters of religion.

-On Sanday morning, while the venerable Dr Jenks of Boston was sitting in his library reading the Bible, he was seized with a violent fit and fell to the floor. Medical aid was immediately procured, and after the lapse of some hours he partially recovered his consciousness. He was quite comfortable in the evening, and hopes were entertained that the illness would be but temporary.

-The Rev. Dr. Murray of Elizabeth, N. J., and the Hon. Robert C. Winthrop, retired politician, of Boston, are about to visit Europe.

-The Rev. Mr. Dempster, of the Baptist Society in Jay, Me., was found lying dead in the road on Thursday last. It is supposed that he had a fit and fell from his wagon. . -The Rev. J. I. T. Coolidge, who recently resigned

the pastorate of a Unitarian Church in Boston, has accepted a call to become a colleague with the Rev. Dr. Crooker, rector of the St. John Episcopal Church in Providence.

-Louis-Murat, a lineal descendant of Josehim Murat, King of Naples under the reign of Napoleon Benaparte, who arrived in this country in 1849, having considerable means and letters of credit, was found drunk in the streets of San Francisco, and taken to the station-house a few weeks since. .

-A correspondent of The Baltimore American, under date of Marseilles, April 18, writes as follows concerning the health of Bishop Potter: "I regret to state that he regards his health as little improved by his residence in Europe and the aid of the best medical and surgical skill of Pavis. He suffers with an affection of the spine that operates on the brain, and has so reduced his physical condition that we scarcely little sheet of water embowered in trees, about a mile recognized him at first.

-Christian Essellen, one of the most recomplished scholars and most sincere spirits among the German emigration to the United States, died at the Lunatic Asylum on Blackwell's Island, on Sunday night, in consequence of the breaking of a blood vessel in the brain. He was a native of Westphalia, and was about thirty-four years old. He was concerned in the revolution in Baden in 1849, and has been for some seven or eight years in this country, where he has made himself known as the conductor of the Atlantis, a monthly magazine of much ability, in the German language. It was first published in Detroit, then in Milwaukee, Chicago, Cleveland, Buffalo, and lastly in this city. His health became ruined and his mind alienated some

-It is stated that Mr. Hicks, of Marvland, is confined to his bed by sickness at his residence in Annapolis.

-The N. Y. Ledger announces that Mr. Beyant will hereafter contribute his poems to the columns of that journal.

-Alexandre Dumas has made his debut as artcritic in the Independance Beige, which publishes the first of a series of articles on the present Paris exhibition of fine arts from his pen.

-M. Victor Cousin's remarkable work on Mulame de Longueville has passed through six editions from 1853 to 1859.

-Mr. Liddel, the Greek Professor of Oxford University, and the author of a famous Greek-English dictionary, has recently traveled in Greece, and attended, in company of Mr. Wyse, the competition of to be imprisoned until the fine was paid. The whole | brigade,

-not one of the eleven competitors having been found worthy of receiving it.

-Charles August Gunkel, a Lieutenant-General in the army of Holland, has been sentenced to death at |

-Sina, the rich Greek banker of Vienna, is about to erect a new Academy at Athens, at his own expense. The site selected by him is situated near the ancient temple of Theseus, but the propriety of the location is questioned by many who fear the new building will suffer from comparison with the temple and its associa-

THE ANNIVERSARIES.

TURSDAY, May 17.

American Baptist Musicolary Union.—Meeting of Board of Managers, in First Baptist Church, Broome street, at 10 o'clock a. in.

Mercantile Library Association.—Annual meeting of members
in Lecture Roun, Clinton Hall, Astor place, 7 o'clock p. m.
Election of Officers from 8 o'clock a. m. till 9 o'clock p. m.

## CITY ITEMS.

S. B. Mille, Miss Maria S. Brainerd, Messrs. Simpson, Thomas, Bergmann and Beams.

BOARD OF COUNCILMEN. - The Board held no meeting last night for want of a quorum. The Clerk adjourned the Board till next Thursday, at 5 o'clock,

HUNGARIANS.-All the Hungarians in the City of New-York and its vicinity are invited to attend a meeting on Thursday, the 19th iast., et No. 187 Bowery, to commence at 8 o'clock p. m.

Rem .- The Board of Excise Commissioners of this city, will hold their first meeting for 1859, this day, in the City Hall Library, in the City Hall, at 3 o'clock.

HARLEM RAILROAD .-- For the convenience of visitors to Lake Mahopac during the ensuing season, it has been decided to run the Dover Plains train as an evening express to White Plains or Croton Falls, so as to make the journey as expeditiously as possible. There will also be an evening express down to the city, leaving Croton Falls about 41 or 5 p. m. By this arrangement visitors will be enabled to go to the Lake and return the same day.

LIGHTERAGE. -The Health Officer of the Port has licensed Mr. Van Valkenburg to do the stevedoring connected with Quarantine, and Messrs. Schultz Boyer to do the steamboating and lightering; and, at the recommendation of the Commissioners of Health, a portion of the work has been assigned to Messrs. Fancher & McChesney.

THE LATE CAPT. MERRIHEW. - Capt. C. Merrihew of the Pomona, who, together with his ship, was lost off Wexford, was a native of this city, about 35 years, and unmarried. He was for a number of years identified with the shipping interest of this port. An only brother, a lawyer in Wall street, is the only relative left to mourn his untimely end, but his less will be long felt by a large circle of friends.

EXCITING SCENE IN A RAILROAD CAR-A SAVAGE

Assault. - Last Saturday, an exciting incident oc-curred on the Dover Plainstrain of the Harlem Railroad, which leaves Twenty-sixth street at 4 o'clock p. m. A gentleman entered the car at the depot at Twenty-sixth street, and being the first or one of the first in the car, selected a pleasart seat. Shortly after, another gentleman entered the same car, deposited his shawl in the seat behind the first, and then left the car. Some ladies, entering afterward, removed the shawl, and placed it in the seat by the side of the first gentleman. The owner of the shawl coming back, rather rudely informed the other that he had taken his sent and had moved his shawl. The gentleman who occupied the seat informed the other that such was not the case; that he had been the first man in the car, had selected that seat, and retained it till the present time. The other then said, "You may as well tell me I lie, then;" and after some further of, words, the lie was given on both sides. F. Williams, deted their ver esq., who sat near, informed the owner of the shawl that he was in the wrong, and stated to him the facts of the case. The cars moved off, and the beligerents ant side by side. The quarrel, it seems, was resumed on the road, and at Tremont, we bulieve, the gentleman who first occupied the seat told the other that if he would step out on the platform, he would slap his face, and rose and went out, the other following him. They stood facing one another, and the gentleman was as good as his word, and slapped the other's face. The one who was slapped thezenpon drew a heavy bowie-knife and attempted to stab the other, who caught his arms and held him off for a moment. But the one with the knife, wrenching himself free, made a stroke at the other, who was entirely unarmed, and followed him up the platform, striking blows at every step, using the knife as a heavy sword. The cars began to move off, the man with the knife sprang on board, and the other was left at the station. The greatest excitement immediately prevailed in the car. Mr. N. C. Hart asked the assailant for his name. He said his name was Tucker, but refused to give his address. He was surrounded by the passengers, who were loud in their expressions of indignation. Several gentle-men endenvoted to obtain Tucker's address, but could not. This Tucker, we are informed, is the same who challenged Daniel E. Sickles. No officer was at the train, and Tucker passed on unarrested.

FIGHT ON STATES ISLAND-INTERFERENCE OF THE POLICE-ARREST AND SUMMARY CONVICTION OF THE RINGLEADERS. - Mr. Carpenter, the Acting Superintendent of Police, was notified soon after noon yesterday, that a party of men had gone to Staten Island to fight. He immediately telegraphed to the officers of the First and Second Precincts, to send sections e men to the Staten Island Ferry, and, detailing another force from the detective office, 50 men were mustered and sent down to the Island by the I o'clock boat, under command of Sergeant Dixon. Landing at Castleton, they marched over the hill to Silver Lake, a south of the village, where the fight was in progress. The Sentinels of the belligerents discovering the arrival of the officers, notified their principals, and when the police reached the brow of the hill about 200 persons were running away in all directions. After an exciting chase over hill and dale, and through briars and swales, seven men were arrested in the woods, where they had hidden themselves, and marched before Justice De Forrest. They proved to be James Brophey, printipal; Jas. Carey, second; Michael Dunn, backer; Thos. Sipple and Jas. Dunn, bottleholders; Patsey Hockeman, and Pat. Burke. The other principal, who was not taken, was named James Taggart. It appears that the fight grew out of a long-standing fend between the stevedores and grain measurers, which being brought to a crisis by the brother of one of the leaders having been set upon and beaten the other night, by a crowd of the opposite action, the two champions resolved to adjourn to Richmond county and settle the dispute by an appeal o arms. Upon arriving at the spot selected for the contest, the champions stripped to the buff; when hey were warned by Justice De Forrest, who was on he ground, that if they committed a breach of the peace within his jurisdiction, he would punish them. As he was not provided with a force to uphold his au thority, they only laughed at him for his pains, and went to work. When the police arrived they had batcred each other pretty well, having fought 15 desper-

As may be supposed, when brought before the Judge be made very short work with them. After a brief examination, they were sentenced to ten days in the Richmend county jail, to pay a fine of \$2) each, and ordered

charge of the sheriff, to be conveyed to jail, that the Staten Islanders were aware of what had been transpiring within their borders. The friends of the prisoners were very indignant at what they were pleased the Hague for having poisoned Louise Esbra his to consider an abridgement of their liberties, and asked why they could not be allowed to quietly settle a little difference between themselves, when Staten Islanders were permitted to burn down the State Institutions unmolested. An old lady, seeing the police marching toward the ferry, drove up and said, "Mr. efficer, they haven't been burning the hospitals again, have they ?" Being informed of the object of their visit, she turned to her companion and exclaimed. "well there is some use in including Richmond county in the Metropolitan district, after all." The police reached headquarters at four o'clock, having been absent just three hours. By that time, no doubt, the belligerents were cooling their courage in

The following Western order was received by New-York furnishing house a few days since:

\*\*Sandanmon Co., Ill., May 3, 15 to.

\*\*Mr. S. B. Mills, the planiet, will give his first grand concert in America on Thursday evening, at Niblo'
Saloon. He will be assisted on the occasion by Mrs.

\*\*Sandanmon Co., Ill., May 3, 15 to.

\*\*Co.—Sirs: Please and us by express one of them distributed by the his little representation to both here, and want to make as much notes a sayledy. Send oil! Yours,

\*\*P. S. —A feller here says they call them goings down in Torce. Haute."

> MAP OF THE STATE. - Grover & Baker, the sewing machiners, have just published a large and cheap map of the State of New-York, which seems to be carefully executed.

SUICIDE BY DROWNING .- Coroner Gamble held an inquest, on Monday, upon the body of John B. Ailen, bookkeeper for Mr. Addison G. Bickford, doing business at No. 25 Murray street, who committed suicide, on Sunday, white laboring under an attack of delirium fremers, by jumping into the dock at the foot of Twenty-second street, North River. The deceased was not habitually intemperate, but, whenever he indulged in the free use of ardent spirits, he was attacked with delirium. His wife, fearing that he would destroy himself on Sunday, locked him in a room, but he managed to release himself, and then ran to the river. The Coroner's Jury rendered a verdiet of "Saicide by drowning."

THE CHACKEY VS. HILLSBOROUGH LIBEL CASE .-This case was postponed to Wednesday next at 3 p. m., in consequence of sickness in Judge Welsh's

REAL ESTATE.-The following sales were made yesterday, at the Merchauts' Exchange, by Messrs.

yesteroxy, at the ateremants Exenange, by site
A. J. Bleecker, Son & Co.:
Plot and 4 buildings, Nos. 688 and 69% Water street, 35.0
and 50×100 feet.

On 8d-av. 1 lot N. E. corner 95th-st.
On 8d-av. 1 lot N. E. corner 95th-st.
On 80th-st., 1 lot, north side, 100 feet E. 3d-av.
On 13ts st., 2 lots, morth side, 175 feet W. 6th-av., each.
Also, one-eighth of schooner Ben.

commended.

Reside of. That the unwearled devetion, intelligent seal and incorruptible integrity displayed by Mz. Thomason in discharge of
his duties as the executive officer of this. Association, have securyed him the exteem of the members of the Board and entire tilly enritle him to the confidence of the pairons of the Association and

gers on his left hand, and had the habit, when addressed, of fining it in his bosom. On the only were found no papers to hien-tily it, but on the clothing was found a part of a name, leaving the Corotect to suppose it to be fluctuager or Martingell. The Jury concluded that the decreased must have been a felon, and from his habit of concealing his land, supposed that the friggers had been lost in some ren counter. The cause of death was a stab-in the right side; but the mutilisted hand had also been cut-off, which led the dury to suppose that he had mutilated bringed to avoid identification, and then committed suicide. They are dered their venict accordingly.

to avoid identification, and then committed suicide. They remdered their verdict accordingly.

The results of Depaty Corpenter's investigations show that the
deer aged was German, manced Frederick Matters, formerly of this
alty, where two of his brothers now reside. He was an ineffect
sive man, and a botcher. He had the minfortune to lose his fingers in a suessee machine, and his habit of hiding his hand was
acquired through difficure. He this Spring went to his early
home. Wolfstein, Germany, and purchesed tickets. He disemberked at Southamyton, journayed to Ramagate, where he remained several days. Suddenly he was found, as sixted, on the
beach. He had several hundred dollars; and it is probable that
he was murdered and his hand out off and secretical, to prevent
his identity from Sense known.

FATAL FA its. - Coroner Jackman held an inquest Monday, at its New Yark Hospital, upon the body of Tips. FAIAL FAULS,—Coroner Jackman heid an inquest an Monday, at his New Yart Hospital, upon the budy of Trus, dayins, one of the laborers who was injured by the felling of a will at the new theater in the Bowery last week, and who die a comitie effects of his lagaries on Sunday night. Deceased was native of Treland, 25 years of age. Verild: "Accidented eath." The same consider heid an inquest apon the body of ohn Francisco, coleged, late cook of the ship Canyas Back, who on Sunday night was killed by accidentally failing through skylight at the balt alley No. 21 Mulberry street. Verillet accordingly. RENAWAY Acceptent.-While a party of ladies and

RUNAWAY ACCIDENT.—While a party of ladies and as interest each exact a string in an open carriage, on Sanday evening, in Ercadray, nor Seventy first amen, their horses took fright and nations fence, breaking the carriage. The ladies were seriously injured, one of them is ling apon her head, the other ansatzing a fracture of the carley-bone. They were removed by their friends to the residence of Mr. Ray, near by. No names were given.

AN INSANE LEAP, -A woman named Elizabeth Curits besped from a second story window of No. 145 West Thirty-first street, on Sonday eventur, while hasne; but was not much hart. She was not mised for some time, but was subsequently found wandering about Broadway. Accident to a Butcher, -Saul, a German butcher,

while helsting a side of beef in the slaughter-house No. 220 Four-teenth street, on Sunday, hal both of his arms broken by the meat fulling upon him. A CHILD KILLED BY FALLING FROM A WINDOW.

-A child of three years, named Mary Bradley, accidentally fell out of the second story window of No. 350 Twelfth sever on Sun-day evening, and was instantly killed. KNIFED BY AN ORGAN GRINDER.—During a quar-in Banter street on Sunday right, between Frederick Zanne and Mark Tupper, the former was stabbed in the face and neek with a dirk by his antagenat. Tupper, who is an organ-grinder, was arrested and occumitted for examination.

DROWNED IN A CISTERN.-Frank Englemans, & child 3 years ald, was drowned on Menday efferts on by falling into a clatern at the residence of his parents, No. 62 Alles street. The conner was notified, and will hold an inquest upon the body to-day.

STABBED HER HUSBAND.—Wm. Cowles, residing at the corner of Thirty second street and First Avenue, was stabbed almost to death by his wife, on Sanday night, because he refused to give her money with which to get drunk. He would make no complaint against the virage.

More of the Krife,-Win. Coulin was stabled in the abdomen, in the First Avenue, by John Mcintyre, on San-day night, during a quarrel. The assulant except, and the wounded man was taken to the Hospital.

Superbly beautiful Carpers!

At tremendous low prices!!

Creasby & Son's gaspeous Manallions.

English Valvers, 9, to 12, per yard.

Real Kaulish Rosenia, 6, to 16, per yard.

All-wood Ingrains, 3, to 6, per yard.

Floor Oliciotiss, 2, to 6, per yard.

HEAM ANDRESON, No. 99 Bowery. GAS! GAS!—GAS FIXTURES have been pro-

GAS: GAS: Other undersimed which surpass the basics of the world in beauty and prices. Call at our great Depot No. 576 Broadway.

[Advertisement.] SNATCHED FROM THE GRAVE.

Yearly there are thousands asved from death, by timely resorting to Mr. Garbarn's Ixonav Balanam or Liveswood avol Hoannows. It is effecting remarkable cures, and is for sale at all the Druggieta'.

## NEW-JERSEY ITEMS.

MILITARY .- On Monday next the Hudson (N. J.) Brigade, under Brig, Gen. James T. Hatfield, will make their Spring parade at the Elysian Fields. At 2 o'clock they will be reviewed by the Governor of the State, Adjt. Gen. Stockton, Quartermaster Gen. Perrine, and Gen. Runim. The Highwood Guards, Capt. Newkirk, will also parade on that day with the

## LAW INTELLIGENCE.

SUPREME COURT-GENERAL TERM-May 16-Sefere Judge . DAVIES, CLERKS and SUPERLAND.

Catharine Vallance, appellant, agt. Jacob Banach, respondent.

John W. Edmends, for appellant; R. M. Harring-

ton, for respondent.

SUTHERLAND, J. - This is an appeal from the decree of the Surrogate of New-York, admitting to probate the will of Cutharine E. Bausch, the wife of the re-

The testatrix was the owner of certain personal prop-

The testatrix was the owner of certain o-reconal property, and, during coverture, made her will, bequeathing the same, hearing date Dec. I, ISSE. She died on the 27th of March, ISSE, leaving no children, but heaving her husband, the respondent, and the appellant hat mother, her surviving.

The appellant attended, as ther uest of kin, at the probate, and filed objections thereto, and prayed to have said objections heard; but the Survegate desided that she could not be heard in the premises and had no interest, citat of this in or to the goods, clusted, and credit, whereof the said Catherine died the owner, and in possession; but that the sum belonged, after due administration, to the respondent, who graphed the will, as her husband, and, therefore, that the special that do cointerest in the matter of the probate of the will.

for. Haright of administration is positive and carrain by statute

bject?
It may be admitted that this right to her personalty would follow from his certain and positive right of administration, and from

The language of the statutes in excepting the estates of married

internally take away.

If the right of the host and to reduce the wife's choses in action if the right of the host after time, or after her death in case he survived her, was property and a cented right or internal in the uncived her, was property and a cented right or internal in the uncived her death event of the velte, containly her death exalt not

Now, the right of the husband after the death of the wife to

against Gugg, that the reacchoses in tection of his wife, subon the acts of 1 as we chose sin tection of his wife. Gertainly its limbiary to be defeated by the death of the husband did not make it scontingent, or prevent it from being vested; observates, every capacitant earlies or 
right of possession, to be expressed, or to take effect in possession, 
in the life time or on the death of mother, would be contingent; 
as the camainderman or holder of such right of possession ment did 
before he exercised the right or before the parson on whose death 
his expectant ratio or inpress was to take effect in possession. 
(2 Course Dig. 170. For any Con. Rem. 21a, thus deck effect, the 
strength of the control of the same of the strength to all

(2) Cruise Dig. 170. For mer, Con. Rem. 21s, 7th ed. 2 Vessy, 2, p. 357.)

As the law was when the acts of 1943 and 1949 took effect, the humband by the marriage took a certain and positive right to all his wife's chosen in artisten, lishlet to be deficated only by his death, before he had exemined the right and reduced them into hisposement, between his activities.

As to his right to her aboves in activity as her services, his right of administration on her estate was positive and certain by statist, if not all common lever it might have been necessary see him to administration and results in activities of the did administration that the second control of the common law right and title and beneficial interest as his boad.

in fer lifetime.

It does not appear either in this case, or the case of McCosker agt, Golden, I Bradt jet, whether the personalty of the testatrix committed whelly or in part of goods, chattch and property actually in the use and possession in her lifetime, or of choose in action, rights and credit; which she had never reduced to har

commend whelly or in part of goods, chatted and preparty actually in her are and possession in her lifetime, or of chosen inaction thats and credits which she had nover reduced to her
takes, therefore, that in this case the appellant has a right to
take the position, that if since the acts of 1818 and 1848, on the
death of the voice without having disposed of her personalty by
will are abstracle, the hashand is emitted an it absolutely as his
own, antifect to the pownest of fact debta, that he is so enculsed to
it, as he fore these sets, as insaband, and as an incident of file marriage or flowing frees by end not mavely as an incident of file marriage or flowing frees by end not mavely as an incident of file minministration, or rights of administration on her set as.

But giving the appellant the benefit of this position, does it folher that this right of the husband would be incomission, which the
right of the husband was intended to be absolute which the
right of the husband was intended to be accounted to married
we men in each over their property, so that it must be presented
to first as calling it, were intended to a few and incomissioney.
The set of 1876 is entitled. "An act for the more effectively property, we have a few could be east
of 1879 as calling by were intended in give, and do give to a married woman the separate use and absolute disposition of her
property, real and present, by will or otherwise, as if she were a
fewer sole. Six may use and empty it, and dispose of it as freely
and as absolutely and excellently, as she could had she continued
to the file is a married woman; and admit that her hisband, on
her death, succeeds to her undisposed of personal property, as
hosband and not as administrator; his right of succession as has
haden with a more intender or with her right is not a right, but
an incident of roce chart, as to his possession as her had not free and the house of the mother
of this right, but rather the right of succession for a right of
the remainder who we call en

hate power of disposition.

Before the Revised Statutes, a general device of real estate, without specifying any particular estate, with an absolute power of disposition suncted, gave a fee, but a decise for file in express terms with a like power of disposition, gave only a life exists.

—(Jackson vs. Robbins, in John, 338.)

The article of the Revised Stantes as to "power," permits fature extate to be limited on a particular extate for life or years with absolute power of disposition, except as against purchasers.

goods and chartels for life, with absolute power of disposition, there is no douted, in case of her death without having disposed of them, that the he-bond wessels have taken thom as the own, by varies of his original right and title as husband. See the cases eited by Mr. Braciford in McCoker vs. Golden, i Braft, 93, above cited, and Maching vs. Mitchell, I Bath Ch. R. 271, above cited, and Maching vs. Mitchell, I Bath Ch. R. 271, above cited, and Meching vs. Mitchell, I Bath Ch. R. 271, and in her trul existe, which he acquired by marriage, and by nurriage and the birth of issue as traunt by the courter, being rights given him by law, he could wake or these them also himsly, either by ance or post-unpital agreement; but the print is, that if the institute all chattels, or of her field estate, for her life, with an absolute power of disposition, his right of succession to the goods and chattels, and inveright as to any type of the courtesy in her red existe, and therefore, it is the substitute of the market have been disposed of them. The presource of his red earth which have generated in him as has bond on her death without having disposed of them. The presource is not be successfully and the legal rights as hashoud, and

Precisely so, in construing these acts of 1843 and 1849, we are to pressure that the Legislature passed them with the knowledge of the husband's commenciaw rights, and that these rights were not notenided to be taken away any further than was necessary to secure to married women, as against their husbands, the free, side, separate use and enjoyment, and absolute disposition of their property. These are all the beneficial rights of property that could be conferred on them, or secured to them.

An alteration by the statutes of the legal right of succession, or of the legal disposition of their property on their death, without having disposed of it by will or otherwise, would have been, unaccessarily for the declared purposes of the acts, taking rights from the husband, and conferring them, not on his wife, but on others.

over it?

If the force and direction of one's affections while living should direct the legal disposition of property after death, I should not like to believe that a majority of married women would ask for the construction of these arts insisted on by the

appellant.

No doubt it was competent for the Legislature to abolish or change prespectively the right of succession of the inviband to his wife a underposed-of personalty, and his right as tenant by the courtesy in her endisposed-of realty in when she had an estate of inheritance, but I think the Legislature incended to take away norther right by these acts, not withstanding the able opinion of Mr. Justice Potter on the latter point, in Billings agt. Saker and others.—(16 How, Fr. R. 52.5)

tractica of these acts, I am of the opinion that the courses in this case should be affirmed with costs. SUPREME COURT-SPECIAL TERM-MAY 16.

Nethors agt. Law and Scory.

We more agt. Law and Scory.

Davier, J.—The complaint is filed in this cause by
he plaintiffs, owners of her fronting on Greenwich and Washmeter streets, in this city, south of Reade street, to restrain the of its plaintiffs that the construction of said road would be specially depended, of courts, upon the life of the hardness—both rights were liable to be accented by his dring before his wife, but if he lived or survived his wife, but it ghts were fixed and certain; and I do not see how the Court of Appeals could have held otherwise than they did in Westervell against Group, that the right of the husband in and over the choses in section of his wife, when the accent of I & and I BB were six is section of his wife, when the accent if I & and I BB were six is section of his wife, when the accent if I & and I BB were would infine actions private influry upon the plaintiffs in unday electrocting them in the approach to their respective places of business adjoining upon such streams, amounting in its effects and consequences to a private nuisance to the plaintiffs unless the grant is valid. \*

Upon such a finding on the numberity of Milhan v. Sharp, de-cided at the timeral Term of this Court in October, 1928, the cided at the timeral Term of this Court in October, 1928, the

decided, and such a decision is binding on members. I outfiely examor in the views expressed by Justice Ingraham in this case in reference to the main point decided, viz. that a resolution of the Camo on Council must be passed by but Soards of after the year for which the members thereof had office, and raises to passed it is invalid. In the opinized justice Ingraham, it was stated "that the defendants were desirous of reserving that point before the Courts, and that it is use in which the Judges are not amainmust in the decision of it. As it was made in this case and has not been acted on classifier, and as it involved other matters of great public interest, no narm can arise from treating that as an open question is the subsequent examination of this case in will be open for consideration at the General Term, it would be both in xpedient and unprecessary to discuss it here, or express any optules as to its correctness. The injunction, therefore, as rested for restraints the constraint of the read in front of and opposite the loss of the plaintiffs in Greenwich and Washington streets is granted, with costs to the plaintiff to be adjusted.

If it I WELFTH REGIMENT CASE—MANDAMUS REFUSED.

The People, ex red. Henry A. Weeks Lieumant Colonel Twelfth Beiginett X. Y. S. M., agt. Jahn Even, Brigodier General Fourth Beigade.

This is the motion for a mandamus to compel Gen.

Fronth Brigade.

This is the motion for a mandamus to compel Gen. This is the motion for a mandamus to compet Gen.

Then to revoke the consolidation orders, which the respondent
alleged were issued, in accordance with a command of his superior officer, the Governor of the State of New-York.

One of the points urged on behalf of the relator was that the
consolidation order destroyed the relator's legal and constitutional rights, and that no ruthority existed legally expable of enControl and order.

tional rights, and that no sumority existed regard expansions forcing such order.

This morning the Judge delivered a learned and elaborate opinion, in which he says that the Court had the power of redressing or remedying any neutration or abuse of authority committed by any individual or association within the State, which power also existed sover the military organizations. But the Court possesses no power to interfere with the eightimate ex-role of authority, such will refrain from employing the power it does possess, particularly by mandamus, in doubtful cases or on inexpedient occasions. After an elaborate review of the points raised by the evaluate with easts.

Before Judge SUTHERLAND.—Decisions.
William A. De Bois agt. Lewis P. Beers.—Motion

relator, with costs.

Before Judge Sutherland, Decisions.

William A. De Bois agt. Lowis P. Beers, —Motion grated and judgenest for the plaintif, with costs.

In re the petition of Marie Wymbs et al.,—Report confined and order granted.

Giskral Terans—Before Judges Rossevelt, Isgrahms and Part.

Efficabeth Clarke et al. agt. Dorothes H. Brown, &c.

The order appealed from to be modified so as to direct the executor having possession of the property of the extational place in the hands of the defendant Dorothes H. Brown, as executing, the amount directed by the said order, without any order as to the application of the funds, leaving her to account therefor as executing.

Wh. J. A. Fulfer agt. Ulyace B. Brewster, Receiver of the Webser Fire Insurance Company.

When J. A. Fulfer agt. Ulyace B. Brewster, Receiver of the Webser Fire Insurance Company, use to recover for services rendered and moneys advanced for the use of the Company.

On a hearing before W. Emerson, the Before, the complaint was dismissed upon the ground, first, that no action can, under any circumstances, be maintained against a Receiver without special bare of the Court; and, excond, that the complaint does not show sufficient ground for action gainst the Receiver, even if he were specially liable; and the Referee ordered judgment accordingly, from which judgment the plaintif appealed to the General Term. The cancer was agreed to day. Decision received. John W. Ashmeed and W. J. A. Fulfer for appellant; Burrill, Device & Burnill for respondents.

A point arose upon the trial of this case, involving the question whether the acts passed by the lass Legislature, allowing the parties to arothom to be canning as witnesses in their lowing the parties to arothom to be causined as witnesses in their lowing the perfect of arothom to be causined as witnesses in their lowing the perfect of a referee before himself as a witnesse in the action, which was iccudent course of himself as a witnesse in this action, which was iccudent to the confined to be causine

COURT OF OYER AND TERMINER-MAY 16.—Beter

SECOND THE ANY INTRIBUTE. STAY IN .- Debry Judge Dayler.

SECOND THEAL OF ANERS GLASS FOR MURDER.

The People agt, James Glass.

The Court-room was filled with speciators this moraning in anticipation of the compencement of the second trial of James Glass of Glass for the mixely of Richard Owens, in Elm street, on the 15th of Jamury last. The prisoner was in Court. Ex-Judge Whiting and Mr. P. G. Clerk appeared as his coursed.

Mr. Waterbury, the District Attorney, moved on the trial.

Mr. Whiting, for the prisoner, objected to the panel on the ground that the Court had so power to solder a new panel after the commencent of the Treu, and after the prisoner had been not tried at that Term.

The objection was everyfield, and an axecption was taken.

The Clark then can senced calling the panel of 500 jurses, and pt 6.3 o'clark but eleven jurses had been obtained, when the panel hearing exhausted.

SUPERIOR COURT-TRIAL THEM-MAY 16 -Before Judge Boswoath.
SUIT FOR PASSAGE MONEY AND PREIGHT.

Start FOR PASSAGE MONEY AND PRESENT.

Plaintiff was a passenger on the steamer North
America, which was wrecked on the coast near Acapalea, on a
trip from San Juan to San Francisco in 1832, and had with him
on board a quantity of young fruit trues, which were thrown
overhoard by order of the captain after the vessel estrauled, for
which property, detention and passage-money he brought this
action passage-money he brought this
action. retires.

For the plaintiff it was contained dust the ressel was lost in measurement of the negligence of the officers. The defense contained that the disaster was occasioned by the perilared the set, and that octas quently they were not liable. Verdict for plaintiff of \$1,600.

ter \$1,600.

Sercial Term—Before Judge Pierrent.

Catharine Lyon agt. Thomas Cushion.—Motion to open podement denied, with costs.

GENERAL TERM—Before a full Bench.—Decisions.

James D. Fish agt. Thoe. L. De Wolf, &c.—Case the practice. be resettled.
Walter D. Stewart and Henry Allen agt. George B.

Granules —The order on the report and the docket should be vacated, and the report or finding of the Reference and back to his for further hearing and determination of the matters in contra John H. Holdane et al. agt. John F. Butterworth.—dament affirmed, with costs.

COMMON PLEAS—SPECIAL TERM—May 14.—Before Judge Brady,

AFFRAL—PRACTICE ON PREPARING CASE.

In this cause, which was tried to force Judge Brady, without a Jury, a motion was made by defendant for a new trial, on the ground of newly discovered evidence. An order staying proceedings is fore judgment pending this motion was obtained and screek. The defendants made a case, for the purpose of that motion. Judge Brady denied the motion. The defendants appealed to the General Term, where the order was affirmed. These is plaintiff spreaded from the judgment and served a new case. The plaintiff served amendments proposing to atrike out the second case, and substitute the case served as the basis of the motion for a new trial. The defendants retried the case for settlement, asking that the prop and numiniment be disallowed. Cumprins, Alexander & Green for defendants; John Graham for the plaintiff.

9) Johnson vs. Whitlock, S. Kernan, 369. Heat vs. Disolect, S. Kernan, 341. In this case there was no notice served of the entry of judgment, and the defendant's ment, and the lefendant's case was served within ten days thereafter. The plaintiff's proceedines sheing stayed on the motion for a new trial on the ground of newly discovered evidence, he could not and did not perfect judgment until that time. For these reasons, I think the appeal from the judgment well taken, and the new case properly served. It is said that the defendants having already submitted a case, and that case having here settled, they are concluded by it, and cannot ask that another case should be settled. The difficulty of submitted is view released to the reason of the reason.

court of common Pleas—Special Team.—May 16.—
Before Jodge Hillyon.

John Meyer, Appellate, agt. Christopher Keyes, Respondent.
This is an appeal from a judgment rendered by a Justice of the District Court. The cause came up on an order requiring respondent to show cause why the default taken on the appeal and the order of affirmance should not be set addo, and the appeal restored to the calendar on the ground of irregularity. It was claimed that an amended return by the Justice was fifted after the service of notice of argument, and that the notice of argument was improperly served, and insufficient proof of such evine was given. The following is the opinion in the case:

Ilatrox, J.—Had the appellant appeared when the case was called on the Ge meral Term calcular, and requested a portponement of the argument on the ground that the amended return had been filed but a few days provious, and subsequent to the service of the notice of argument, it would certainly have been granted. However, as the case was on the calendar, it was his duty to appear when it was called; yet, as he has excured his default, I think he should not be deprived of his appeal, which would virtually be the effect of denying the present motion.

is the should not be deprived of his appeal, which would virtually be the effect of denying the present motion. The default and judgment entered will interested be usuated, and the appeal restored to the calendar on the payment of the relate of this motion.

Richardsagt, Hutchins.

The Judge ordered that there be a reference to B. O'Conner to appoint a receiver instead of theore K. Sistari, heretofore appointed by this Court, and to take from the new receiver the requisite security and file the same. On such appointment, Sistari will account for all property which has come to his hands, and pay ever the same, under the direction of the referee, to the receiver appointed under this order.

Victor G. Andulose et al. sat. The Excelsion Fire tourance Co. Motion to open default and leave to answer granted on payment of \$10 costs and dishorrements.

COMMON PLEAS—TRIAL TREE—MAY 16—Before Judge DALY.

LIABILITY OF HOTEL REPPERS.

Eliamorin Choseborough agt. Afred Program.

This was an action to recover duringer for the loss of a trut k and contents valued at \$250. Paintiff was a goest at the International Hatel in Judy, 129, and when he left, nit truth was not to be faund. The question was, whether the truth bad ever been delisered at the Hotel by Studbey's Expens, the detendants having deuted that it had been received. The porter testified that the begange brought, consisted of two carpet bags and two truths absoluted together. A question of law arose on the trial, whether a greet is bound to see that his baggang is divered. The Court Instructed the Jury that where a greet calls for his baggang, and the hotel programs do not have a great calls for his baggang. Vertilet for plaintiff for \$200. Tyler & Brown for plaintiff; Townsend, Dyett & Raymond for defendant.

COURT OF GENERAL SESSIONS-May 16-Before Nathaniel Baxter was tried for counterfeiting. The Detective Police received some time ago cariain information, that counterfeit hank notes on some of the shatern banks were being annufactured, which induced Officers Stovey, Mothard and King, on the 23d of April, to arrest the prisoner at his oyster salors, No. 267 Third avenue. They found at him a \$3 counterfeit note on the Falomoth Saok, Falomoth Mass; and concealed in a barrel of saw dust they found a large mamber of counterfeits. On searching the prisoner's dueling-house, No. 4 First assume, the datectives found a set of implements steel for making counterfeits, and the same of the salomoth shater a bed, in a bedroom on the third hear. The theory of the defense was, that this was the result of a comparizary. The counseful side of the same of the best his own prison of previous good character was produced, and that the prisotter has served as a principal clerk in some of the best hauses in New York. Batter was convicted, and ecutenced to the State Prison for five years. He said he was lafter's sheemaker by trade.

Martin G. Maran was convicted of an attempt to commit grand larceny, and was sentenced to the State Prison for law years and five meaning. The accompendence of the best hauses in Now, Kagit, Batter who convicted and ecutenced to the State Prison for law years and five meaning. The said he was lafter's sheemaker by trade.

Martin G. Maran was convicted of an attempt to commit grand larceny, and was sentenced to the State Prison for law years and five meaning. The meaning from under his pillow. In a moment Mr. Caba awake and sprang out of the bed, when both faught, and Moran avent meney from under his pillow. In a moment Mr. Caba awake and sprang out of the bed, when both faught, and Moran attempted to shook Mr. Caba, but he was allied or sentence. She stole, it was allied, on the 22th of April, 23 yards of silk, valued at \$5,4 at Lord & Taylor's store in Grand street.

Gentee Johnson, who had just returned from the Penitentiary, was arraigned and pr Nethaniel Baxter was tried for counterfeiting. The

1936, 1860.
SUPERIOR COURT —PART I.—Nos. 422, 5, 467, 536, 570, 584, 583, 698, 6" 1, 612, 616, 617, 621, 625, 625, 581, 591, 120, 942, 723, 733, 737, 561, 305, 567, 135, 428, 427, 363. Part II.—Nos. 231, 591, 4, 13, 522, 323, 524, 529, 531, 534, 537, 578, 487, 13,

COMMON P LEAS—Part I.—Nos. 849, 666, 1003, 1020, 24, 287, 2, 4, 1019, 693, 989, 1092, 1093, 1095, 1097, 1038.